

MONTANA PUBLIC DEFENDER COMMISSION
BUDGET COMMITTEE MEETING

The Broadway Inn, Missoula, Montana

Minutes

July 17, 2008

(Approved at the October 10, 2008 Commission Meeting)

Call to Order

The meeting of the Budget Committee of the Montana Public Defender Commission was called to order by Committee Chair Jennifer Hensley at approximately 1:00 p.m.

Commissioners Present

Jennifer Hensley, Vic Miller, James Taylor (part of the meeting), Tara Veazey, and Steve Nardi.

Other Interested Parties

Randi Hood, Chief Public Defender; Harry Freebourn, OPD Administrative Director; Joslyn Hunt, Assistant Appellate Defender; Sarah Braden, Paralegal Appellate Program

Approval of Minutes

The minutes of the March 2, 2007 meeting were approved.

Purpose of Committee

The purpose of the committee was approved as drafted (BC – 1).

Estimated Financial Results 7/1/07 through 6/30/08

Mr. Freebourn presented the information (BC – 2) to the committee. He stated that the estimated expenditures for personnel services (payroll) for FY 2008 were approximately \$11.1 million for personal services which is greater than the amount expended in FY 2007 of \$9.9 million. He stated that the \$1.2 million increase was expected and reflects the fact that the agency was opening new offices during FY 2007 and was not fully staffed for the entire year. He noted that the appropriation for FY 2009 was about \$11.6 million which is an increase of about \$500,000. The increase is mostly due to a 3.6 percent salary increase provided by the last legislature.

He continued the discussion by stating that the estimated expenditures for operating costs for FY 2008 were approximately \$8.7 million which is less than the amount expended in FY 2007 of \$9.5 million. He stated that this decrease of about \$800,000 was expected due to the fact that the agency was moving cases from contract attorneys to staffed offices. He noted that the appropriation for FY 2009 was about \$8.5 million, a decrease of about \$200,000.

Mr. Freebourn told the committee that these numbers are still estimates as the state does not expect to close its books for about a week. Chairman Hensley asked Mr. Freebourn to inform her and the commission as to the financial results once they are known.

Mr. Freebourn also noted that staff will report case numbers for FY 2008 at the next commission meeting. Rough numbers show that the agency expects about 27,000 new cases compared to

about 25,000 for FY 2007. He noted that last year's case number report to the commission reflected about 31,000 cases but that number had at least 6,000 cases that the agency inherited from various counties and cities. The FY 2008 numbers only reflect new cases opened during that fiscal year by the agency.

FY 2009 Budget Discussion

Chief Hood reported to the committee that she and Mr. Freebourn would be preparing budgets for FY 2009 with the assistance of the regions and the Appellate Program in the coming months. She expected that they would meet with each manager during this process. Mr. Freebourn noted that the approved appropriation for FY 2009 is about \$20.1 million.

2011 Biennium Budget Update (Post Conviction Relief)

Mr. Freebourn presented the 2011 biennium budget information (BC-3) to the committee. He reminded the committee that this is roughly the same information that the full Commission approved in April to forward to the Governor for consideration. There have been some minor adjustments in costs due to better information or refined valuations. The agency is asking for an additional 25.00 FTE, mostly to support growth in caseloads. The funding request over the base budget and other adjustments provided by the budget office is about \$4.5 million for FY 2010 and \$4.6 million for FY 2011.

Mr. Freebourn began the discussion about the need for funding for post conviction relief efforts. Commissioner Taylor described the issue to the committee. Joslyn Hunt, assistant appellate defender, briefed the committee on the costs of providing additional services. She stated that she estimated that her program would see about 200 more cases per year with a cost of about \$500,000. Chief Hood stated that the law only requires the appellate program to provide services after directed to do so by a district judge and not before, so the program should not need additional funding because that is the way that the service is being provided today. However, the Standards for Practice will need to be amended to be in line with the law.

Public Comment

There was no public comment.

Old Business/New Business (*Action Items)

There were no additional action items.

Adjourn

The meeting adjourned at 2.00 p.m.